

310240 232000

19TH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

J. ROBERT WOOLEY, ETC.

SUIT NO. 499,737

VERSUS

DIVISION D

AMCARE HEALTH PLANS OF LOUISIANA,
INC., ET AL

COST OK TO Amt. 456
29126
OCT 21 2003

BY  CLERK OF COURT

ANSWER TO PETITION

NOW INTO COURT, through undersigned counsel comes Scott Westbrook, (hereinafter referred to as "Westbrook"), who, in answer to the Petition filed herein, respectfully represents the following:

1.

Westbrook admits his status and domicile. The remaining allegations contained in paragraph 1 do not require a response from Westbrook. If a response is required, the remaining allegations contained in paragraph 1 are denied.

2.

The allegations contained in Paragraph 2 are admitted.

3.

The allegations contained in Paragraph 3 are admitted.

4.

On information and belief the allegations contained in Paragraph 4 are denied.

5.

On information and belief the allegations contained in Paragraph 5 are denied.

6.

On information and belief the allegations contained in Paragraph 6 are denied.

7.

On information and belief the allegations contained in Paragraph 7 are denied.

8.

On information and belief the allegations contained in Paragraph 8 are denied.

9.

On information and belief the allegations contained in Paragraph 9 are denied.

10.

On information and belief the allegations contained in Paragraph 10 are denied.

11.

On information and belief the allegations contained in Paragraph 11 are denied.

12.

The allegations contained in Paragraph 12 are admitted.

13.

The allegations contained in Paragraph 13 are admitted.

14.

The allegations contained in Paragraph 14 are admitted.

15.

The allegations contained in Paragraph 15 are admitted.

16.

On information and belief the allegations contained in Paragraph 16 are denied.

17.

On information and belief the allegations contained in Paragraph 17 are denied.

18.

The allegations contained in Paragraph 18 are denied.

19.

The allegations contained in Paragraph 19 are denied.

20.

The allegations contained in Paragraph 20 are denied.

21.

The allegations contained in Paragraph 21 are denied.

22.

On information and belief the allegations contained in Paragraph 22 are denied.

23.

On information and belief the allegations contained in Paragraph 23 are denied.

24.

On information and belief the allegations contained in Paragraph 24 are denied.

25.

On information and belief the allegations contained in Paragraph 25 are denied.

26.

On information and belief the allegations contained in Paragraph 26 are denied.

27.

On information and belief the allegations contained in Paragraph 27 are denied.

28.

On information and belief the allegations contained in Paragraph 28 are denied.

29.

On information and belief the allegations contained in Paragraph 29 are denied.

30.

On information and belief the allegations contained in Paragraph 30 are denied.

31.

On information and belief the allegations contained in Paragraph 31 are denied.

32.

On information and belief the allegations contained in Paragraph 32 are denied.

33.

On information and belief the allegations contained in Paragraph 33 are denied.

34.

On information and belief the allegations contained in Paragraph 34 are denied.

35.

On information and belief the allegations contained in Paragraph 35 are denied.

36.

On information and belief the allegations contained in Paragraph 36 are denied.

37.

On information and belief the allegations contained in Paragraph 37 are denied.

38.

On information and belief the allegations contained in Paragraph 38 are denied.

39.

The allegations contained in Paragraph 39 are denied.

40.

The allegations contained in Paragraph 40 are denied.

41.

The allegations contained in Paragraph 41 are denied.

42.

The allegations contained in Paragraph 41 are denied.

43.

On information and belief the allegations contained in Paragraph 43 are denied.

44.

On information and belief the allegations contained in Paragraph 44 are denied.

45.

On information and belief the allegations contained in Paragraph 45 are denied.

46.

On information and belief the allegations contained in Paragraph 46 are denied.

47.

On information and belief the allegations contained in Paragraph 47 are denied.

48.

On information and belief the allegations contained in Paragraph 48 are denied.

49.

On information and belief the allegations contained in Paragraph 49 are denied.

50.

Further answering, Petitioner has failed to state a cause of action against Westbrook.

51.

Further answering the Petition, Westbrook shows that, at all times he acted prudently and responsibly under the prevailing facts and circumstances, in accordance with applicable legal standards, as regarding the financial condition and business operations of Amcare of Louisiana and in satisfying his limited obligations as an officer thereof.

52.

At all times relevant to the allegations contained in the Petition, Westbrook exercised reasonable, prudent business judgment in the decisions and actions taken in furtherance of the business operations of AmCare, and in efforts to protect the interests of shareholders, policyholders, claimants, and others affected by AmCare's operations.

53.

Westbrook affirmatively denies any breach of director or officer duties or responsibilities in connection with the claims asserted, the operations of AmCare, dealings with the Commissioner/Department of Insurance and its representatives, and/or any other conduct in connection with AmCare and/or the claims set forth in the Petition.

54.

To the extent that there were any problems associated with the financial condition and business operations of AmCare, these problems were due to the failure of others beyond Westbrook's control.

55.

To the extent that there were any problems associated with the financial condition and business operations of AmCare, these problems were due to the fault of the regulator in improperly exercising its control and oversight of AmCare.

56.

In the alternative, although Westbrook vehemently denies any liability herein, in the event that Westbrook is found liable for any of the allegations contained in the petition, Westbrook hereby pleads the affirmative defense of comparative fault.

57.

Westbrook respectfully requests trial by jury on all issues before the Court, as allowed by applicable law.

WHEREFORE, defendant, Scott Westbrook prays that after due proceedings had, there be judgment herein in his favor and against plaintiff, J. Robert Wooley, Commissioner of Insurance for

the State of Louisiana in his capacity as liquidator of AmCare Health Plans of Louisiana, Inc.
 dismissing the plaintiff's petition, with prejudice at plaintiff's sole costs, and for all other just and
 equitable relief.

By Attorneys:

LONG LAW FIRM, L.L.P.

Daniel D. Holliday

David L. Guerry, Bar No. 14980

Daniel D. Holliday, III, Bar No. 23135

Jamie Hurst Watts, Bar No. 28262

4041 Essen Lane, Suite 500

Baton Rouge, LA 70809

Telephone: (225) 922-5110

Facsimile: (225) 922-5105

ATTORNEYS FOR SCOTT WESTBROOK

CERTIFICATE

I hereby certify that a copy of the foregoing pleading has been mailed, postage pre-paid, to all
 counsel of record herein.

Baton Rouge, Louisiana this 20 day of October 2003.

Daniel D. Holliday

Daniel D. Holliday, III

CERTIFIED TRUE COPY

060482

DEPUTY CLERK OF COURT

2003 OCT 21 PM 4:17
 BATEAU ROUGE PARISH, LA
 FILED

2003 OCT 21 PM 4:17

DEPUTY CLERK OF COURT FOR

DOUG WELBORN

CLERK OF COURT E.B.R. PARISH